

REMARKS

In the Office Action, the Examiner rejected claims 1-6 and 11-22, allowed claims 7-10 and 24-39, and objected to claim 23. By this paper, Applicants have canceled claims 1-6 and 12-23 to expedite allowance of the present application. Upon cancellation of these claims, claims 7-11 and 24-39 will be pending in the present application and are believed to be in condition for allowance. In view of the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Objection to the Drawings

In the Office Action, the Examiner objected to the drawings because “[t]he drawings must show every feature of the invention specified in the claims. Therefore, the memory support (claim 18) must be shown or the feature(s) canceled from the claim(s).” Office Action, page 2. By the present response, claim 18 has been cancelled, rendering the objection moot. Accordingly, Applicants respectfully request withdrawal of the objection.

Claim Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 18, 19 and 20 under U.S.C. § 102(b) as anticipated by Powers et al. (U.S. Patent No. 6,360,120), hereinafter “Powers”. By the present response Applicants have canceled claims 18, 19 and 20 rendering the rejection moot. Accordingly, Applicants respectfully request withdrawal of the rejection.

Claim Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-4, 6, 11-17, 21 and 22 under 35 U.S.C. § 103(a) as obvious over Powers. By the present response Applicants have canceled claims 1-4, 6, 12-17, 21 and 22. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to claims 1-4, 6, 12-17, 21 and 22. Applicants respectfully traverse the rejection of claim 11.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). To establish a *prima facie* case, the Examiner must not only show that a modified reference includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the reference. *See Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). The Examiner must provide objective evidence, rather than subjective belief and unknown authority, of the requisite motivation or suggestion to combine or modify the cited references. *See In re Lee*, 61 U.S.P.Q.2d. 1430 (Fed. Cir. 2002). One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

As disclosed and claimed by the present application, the patient parameter cable is configured to provide a cable connection spanning the distance between the patient sensor(s) and a patient monitoring station. The parameter cable may include a cable, an adapter for connecting the cable to the patient monitor station and a separate adapter for connecting the cable to one or more sensors. Independent claim 11, recites, *inter alia*, “a cable for signal acquisition; a station adapter for connecting the cable to a patient monitor station; a sensor adapter for connecting the cable to one or more sensors; and a memory device disposed in the station adapter.” Conversely, the Powers reference discloses a single housing 40 that provides a connection between a mating cable connector and a cable or device 10. *See Powers* Fig. 2b; col. 5, lines 3-20. Clearly, such a housing does not incorporate a cable, nor does it provide for a separate adapter that incorporates a memory device. For example, as depicted in Fig. 2b of the Powers reference, the adapter housing 40 is formed from a single body that provides for a cable connector 50 on one end and is adapted to receive a mating connector cable on the other end (i.e., receive the mating connector in an interior chamber 52). Thus, the Powers

reference does not anticipate a cable with multiple adapters (i.e., a station adapter and a sensor adapter), but instead discloses a single adapter with an embedded memory device.

Moreover, the Powers reference only discloses the addition of a cable with a single terminating connector. For example, in an embodiment disclosed by Powers, a medical electrode adapter is formed “integrally” with the electrode pads. *See id.* at col. 2, lines 21-26. Thus, the cable terminates into the sensors themselves on one end, and terminates into a single adapter on the other end. Clearly, the Powers reference does not include an embodiment including a cable, a sensor adapter and a station adapter.

Accordingly, the Powers reference does not include all of the elements of claim 11, nor is there a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the Powers reference. For these reasons, Applicants respectfully request withdrawal of the rejections under §103, and allowance of the claim.

Allowable Subject Matter


In the Office Action, the Examiner indicated that claims 7-10 and 24-39 are allowed and that claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By this paper, claim 23 has been cancelled, and claims 24-29 are still pending. Applicants would like to thank the Examiner for indicating the allowability and potential allowability of the above claims.

Conclusion

Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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